1	BILL LOCKYER, Attorney General		
2	of the State of California TAN N. TRAN, State Bar No. 197775 Deputy Attorney General California Department of Justice		
3			
4	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
5	Telephone: (213) 897-6793 Facsimile: (213) 897-9395		
6	Attorneys for Complainant		
7	BEFORE THE PHYSICAL THERAPY BOARD DEPARTMENT OF CONSUMER AFFAIRS		
8			
9	STATE OF CAL	IFORNIA	
10	In the Matter of the Accusation Against:	Case No. 1D 2005 64420	
11	Larry James Lindley 24361 Woodwalk Road	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
12	Lake Forest, CA 92630		
13	Physical Therapist No. PT 24979		
14	Respondent.		
15		•	
	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the		
16	above-entitled proceedings that the following matters are true:		
17	PARTIE	<u>S</u>	
18	1. Steven K. Hartzell (Complain	ant) is the Executive Officer of the Physical	
19	Therapy Board of California ("Board"). He brought	this action solely in his official capacity and	
20	is represented in this matter by Bill Lockyer, Attorne	ey General of the State of California, by Tan	
21	N. Tran, Deputy Attorney General.		
22	2. Larry James Lindley (Respondent) is representing himself in this		
23	proceeding and has chosen not to exercise his right to be represented by counsel.		
24	3. On or about February 11, 2000, the Board issued Physical Therapist		
25			
26	License PT 24979 to Larry James Lindley (Respondent). The License was in full force and		
27	effect at all times relevant to the charges brought in Accusation No. 1D 2005 64420 and will		
28	expire on September 30, 2007, unless renewed.		

# JURISDICTION

4. The Accusation No. 1D 2005 64420 was filed before the Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about July 10, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1D 2005 64420 is attached as exhibit A and incorporated herein by reference.

# ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in Accusation No. 1D 2005 64420. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### **CULPABILITY**

- 8. Respondent admits the truth of each allegation of the First Cause for Discipline contained in Accusation No. 1D 2005 64420. The Second Cause for Discipline (Dishonest Act) contained in Accusation No. 1D 2005 64420 is hereby withdrawn.
- 9. Respondent agrees that his Physical Therapist License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

28 ////

# CIRCUMSTANCES IN MITIGATION

10. Respondent Larry James Lindley has never been the subject of any disciplinary action. He is admitting responsibility for the facts contained in the First Cause for Discipline at an early stage in the proceedings.

### RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Physical Therapy Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

### CONTINGENCY

- of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

//

# **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Respondent Larry James Lindley, holder of
Physical Therapist License No. PT 24979, shall be publicly reproved by the Physical Therapy
Board of California for violating Business and Professions Code sections 2660(d)(i), 2661,
2239(a), 490, and California Code of Regulations, title 16, section 1399.20, subdivision (a) as sec
forth in Accusation No.1D 2005 64420, and shall comply with the following terms and
conditions. A copy of the public reproval is attached as Exhibit B and is incorporated here as if
fully set forth.

- 1. WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING

  THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective date of this decision, Respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If Respondent fails to pass the examination, Respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed. Failure to comply with this condition constitutes a material breach of this order.
- 2. <u>PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHEN</u>

  <u>SUBJECT TO PUBLIC REPROVAL</u> It is not contrary to the public interest for the Respondent to practice and/or perform physical therapy after issuance of the public reproval. Accordingly, it is not the intent of the Board that this order or the fact that the Respondent has been publicly reproved shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.
- 3. <u>FAILURE TO COMPLY WITH ORDER</u> A material breach by Respondent of this order shall constitute unprofessional conduct and shall be a basis for further disciplinary action by the Board. In such circumstances, the Complainant may reinstate the Accusation in case number 1D 2005 64420, file an amended accusation and/or file a supplemental accusation alleging any material breach of this order by Respondent as unprofessional conduct.

28 //

1	ACCEPTANCE		
2	I have carefully read the Stipulated Settlement and Disciplinary Order. I		
3	understand the stipulation and the effect it will have on my Physical Therapist License. I enter		
4	into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,		
5	and agree to be bound by the Decision and Order of the Physical Therapy Board of California.		
6	DATED: <u>August 22, 2006</u> .		
7			
8	Original Signed By: Larry James Lindley		
9	Respondent		
10			
11			
12	<u>ENDORSEMENT</u>		
13	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully		
14	submitted for consideration by the Physical Therapy Board of California of the Department of		
15	Consumer Affairs.		
16			
17	DATED: <u>August 25, 2006</u> .		
18	BILL LOCKYER, Attorney General of the State of California		
19			
20	Original Signed By:		
21	TAN N. TRAN Deputy Attorney General		
22	Attorneys for Complainant		
23			
24	Lindley Stipulated Decision.wpd		
25			
26			
27			
28			

# REFORE THE

1	DEFURE I	
2	PHYSICAL THERAPY BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
3	STATE OF CAL	HORMA
4	In the Matter of the Accusation Against:	Case No. 1D 2005 64420
5	Larry James Lindley	
6	24361 Woodwalk Road Lake Forest, California 92630	
7	Physical Therapist No. PT 24979,	
8	Respondent.	
9		
10	DECISION AND	ORDER
11	The attached Stipulated Settlement an	nd Disciplinary Order is hereby adopted by
12	the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in	
13	this matter.	
14		
15	This Decision shall become effective	on December 14, 2006
16	It is so ORDERED November 1	4, 2006 .
17		
18		
19		
20	Original Signed By: FOR THE PHYSICAL THER	APY BOARD OF CALIFORNIA
21	DEPARTMENT OF CONSUL Nancy Krueger, PT	MER AFFAIRS
22	, C	
23		
24		
25		
26		
27		
28		